

SECOND REGULAR SESSION
[P E R F E C T E D]
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 815
95TH GENERAL ASSEMBLY

Reported from the Committee on Education, April 1, 2010, with recommendation that the Senate Committee Substitute do pass.

Senate Committee Substitute for Senate Bill No. 815, adopted April 7, 2010.

Taken up for Perfection April 7, 2010. Bill declared Perfected and Ordered Printed, as amended.

TERRY L. SPIELER, Secretary.

3644S.03P

AN ACT

To repeal sections 160.400, 160.405, 160.410, 168.106, 168.745, 168.747, and 178.693, RSMo, and to enact in lieu thereof twelve new sections relating to elementary and secondary education, with an emergency clause for a certain section.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 160.400, 160.405, 160.410, 168.106, 168.745, 168.747, and 178.693, RSMo, are repealed and twelve new sections enacted in lieu thereof, to be known as sections 160.353, 160.355, 160.400, 160.405, 160.410, 164.320, 168.106, 168.745, 168.747, 171.015, 171.017, and 178.693, to read as follows:

160.353. The governing board of any urban, metropolitan, or seven director school district may adopt a policy that allows any student who has participated in three or more years of interscholastic athletics at the high school level to be granted one unit of credit of the physical education graduation requirement. Such a policy may only be adopted after a public hearing is held on the question and a majority of the board votes in favor of the question. Any board that votes to adopt such a policy shall contact appropriate officials at the department of elementary and secondary education within thirty days of the affirmative vote. The state board of education shall make any necessary alterations to bring the state's minimum graduation requirements into compliance with this section. Nothing in this section shall be construed to impact any other minimum graduation requirements approved by the state board of education.

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

160.355. The governing board of any urban, metropolitan, or
2 seven director school district may adopt a policy that allows any
3 student who has earned fine arts credit for participation in high school
4 marching band for three or more years to be granted one unit of credit
5 of the physical education graduation requirement. Such a policy may
6 only be adopted after a public hearing is held on the question and a
7 majority of the board votes in favor of the question. Any board that
8 votes to adopt the policy described in this section shall contact
9 appropriate officials at the department of elementary and secondary
10 education within thirty days of the affirmative vote. The state board
11 of education shall make any necessary alterations to bring the state's
12 minimum graduation requirements into compliance with this
13 section. This section shall not be construed to impact any of the other
14 minimum graduation requirements approved by the state board of
15 education.

160.400. 1. A charter school is an independent public school.

2 2. Charter schools may be operated only in a metropolitan school district
3 or in an urban school district containing most or all of a city with a population
4 greater than three hundred fifty thousand inhabitants and may be sponsored by
5 any of the following:

- 6 (1) The school board of the district;
7 (2) A public four-year college or university with its primary campus in the
8 school district or in a county adjacent to the county in which the district is
9 located, with an approved teacher education program that meets regional or
10 national standards of accreditation;
11 (3) A community college located in the district; or
12 (4) Any private four-year college or university located in a city not within
13 a county with an enrollment of at least one thousand students, and with an
14 approved teacher preparation program.

15 3. The mayor of a city not within a county may request a sponsor under
16 subdivision (2), (3), or (4) of subsection 2 of this section to consider sponsoring a
17 "workplace charter school", which is defined for purposes of sections 160.400 to
18 160.420 as a charter school with the ability to target prospective students whose
19 parent or parents are employed in a business district, as defined in the charter,
20 which is located in the city.

21 4. No sponsor shall receive from an applicant for a charter school any fee

22 of any type for the consideration of a charter, nor may a sponsor condition its
23 consideration of a charter on the promise of future payment of any kind.

24 5. The charter school shall be a Missouri nonprofit corporation
25 incorporated pursuant to chapter 355, RSMo. The charter provided for herein
26 shall constitute a contract between the sponsor and the charter school.

27 6. As a nonprofit corporation incorporated pursuant to chapter 355, RSMo,
28 the charter school shall select the method for election of officers pursuant to
29 section 355.326, RSMo, based on the class of corporation selected. Meetings of
30 the governing board of the charter school shall be subject to the provisions of
31 sections 610.010 to 610.030, RSMo, the open meetings law.

32 7. A sponsor of a charter school, its agents and employees are not liable
33 for any acts or omissions of a charter school that it sponsors, including acts or
34 omissions relating to the charter submitted by the charter school, the operation
35 of the charter school and the performance of the charter school.

36 8. A charter school may affiliate with a four-year college or university,
37 including a private college or university, or a community college as otherwise
38 specified in subsection 2 of this section when its charter is granted by a sponsor
39 other than such college, university or community college. Affiliation status
40 recognizes a relationship between the charter school and the college or university
41 for purposes of teacher training and staff development, curriculum and
42 assessment development, use of physical facilities owned by or rented on behalf
43 of the college or university, and other similar purposes. The primary campus of
44 the college or university must be located within the county in which the school
45 district lies wherein the charter school is located or in a county adjacent to the
46 county in which the district is located. A university, college or community college
47 may not charge or accept a fee for affiliation status.

48 9. The expenses associated with sponsorship of charter schools shall be
49 defrayed by the department of elementary and secondary education retaining one
50 and five-tenths percent of the amount of state and local funding allocated to the
51 charter school under section 160.415, not to exceed one hundred twenty-five
52 thousand dollars, adjusted for inflation. Such amount shall not be withheld when
53 the sponsor is a school district or the state board of education. The department
54 of elementary and secondary education shall remit the retained funds for each
55 charter school to the school's sponsor, provided the sponsor remains in good
56 standing by fulfilling its sponsorship obligations under sections 160.400 to
57 160.420 and 167.349, RSMo, with regard to each charter school it sponsors,

58 including appropriate demonstration of the following:

59 (1) Expends no less than ninety percent of its charter school sponsorship
60 funds in support of its charter school sponsorship program, or as a direct
61 investment in the sponsored schools;

62 (2) Maintains a comprehensive application process that follows fair
63 procedures and rigorous criteria and grants charters only to those developers who
64 demonstrate strong capacity for establishing and operating a quality charter
65 school;

66 (3) Negotiates contracts with charter schools that clearly articulate the
67 rights and responsibilities of each party regarding school autonomy, expected
68 outcomes, measures for evaluating success or failure, performance consequences,
69 and other material terms;

70 (4) Conducts contract oversight that evaluates performance, monitors
71 compliance, informs intervention and renewal decisions, and ensures autonomy
72 provided under applicable law; and

73 (5) Designs and implements a transparent and rigorous process that uses
74 comprehensive data to make merit-based renewal decisions.

75 10. No university, college or community college shall grant a charter to
76 a nonprofit corporation if an employee of the university, college or community
77 college is a member of the corporation's board of directors.

78 11. No sponsor shall grant a charter under sections 160.400 to 160.420
79 and 167.349, RSMo, without ensuring that a criminal background check and child
80 abuse registry check are conducted for all members of the governing board of the
81 charter schools or the incorporators of the charter school if initial directors are
82 not named in the articles of incorporation, nor shall a sponsor renew a charter
83 without ensuring a criminal background check and child abuse registry check are
84 conducted for each member of the governing board of the charter school.

85 12. No member of the governing board of a charter school shall hold any
86 office or employment from the board or the charter school while serving as a
87 member, nor shall the member have any substantial interest, as defined in
88 section 105.450, RSMo, in any entity employed by or contracting with the board.
89 No board member shall be an employee of a company that provides substantial
90 services to the charter school. All members of the governing board of the charter
91 school shall be considered decision-making public servants as defined in section
92 105.450, RSMo, for the purposes of the financial disclosure requirements
93 contained in sections 105.483, 105.485, 105.487, and 105.489, RSMo.

94 13. A sponsor shall provide timely submission to the state board of
95 education of all data necessary to demonstrate that the sponsor is in material
96 compliance with all requirements of sections 160.400 to 160.420 and 167.349,
97 RSMo.

98 14. The state board of education shall ensure each sponsor is in
99 compliance with all requirements under sections 160.400 to 160.420 and 167.349,
100 RSMo, for each charter school sponsored by any sponsor. The state board shall
101 notify each sponsor of the standards for sponsorship of charter schools,
102 delineating both what is mandated by statute and what best practices
103 dictate. **The state board shall establish standards for sponsors to**
104 **conduct annual Missouri school improvement plan assessments of each**
105 **sponsored charter school. The standards shall include an evaluation of:**
106 **curriculum and instruction, facilities, health and safety, educational**
107 **programs, and compliance with state performance standards; adequacy**
108 **of the sponsoring agency's support for and communication with the**
109 **school; operation and performance of the nonprofit board of the charter**
110 **school and education management organization, if contracted.** The state
111 board, after a public hearing, may require remedial action for a sponsor that it
112 finds has not fulfilled its obligations of sponsorship, such remedial actions
113 including withholding the sponsor's funding and suspending for a period of up to
114 one year the sponsor's authority to sponsor a school that it currently sponsors or
115 to sponsor any additional school. If the state board removes the authority to
116 sponsor a currently operating charter school, the state board shall become the
117 interim sponsor of the school for a period of up to three years until the school
118 finds a new sponsor or until the charter contract period lapses.

 160.405. 1. A person, group or organization seeking to establish a charter
2 school shall submit the proposed charter, as provided in this section, to a sponsor.
3 If the sponsor is not a school board, the applicant shall give a copy of its
4 application to the school board of the district in which the charter school is to be
5 located and to the state board of education, within five business days of the date
6 the application is filed with the proposed sponsor. The school board may file
7 objections with the proposed sponsor, and, if a charter is granted, the school
8 board may file objections with the state board of education. The charter shall
9 include a mission statement for the charter school, a description of the charter
10 school's organizational structure and bylaws of the governing body, which will be
11 responsible for the policy and operational decisions of the charter school, a

12 financial plan for the first three years of operation of the charter school including
13 provisions for annual audits, a description of the charter school's policy for
14 securing personnel services, its personnel policies, personnel qualifications, and
15 professional development plan, a description of the grades or ages of students
16 being served, the school's calendar of operation, which shall include at least the
17 equivalent of a full school term as defined in section 160.011, and an outline of
18 criteria specified in this section designed to measure the effectiveness of the
19 school. The charter shall also state:

20 (1) The educational goals and objectives to be achieved by the charter
21 school;

22 (2) A description of the charter school's educational program and
23 curriculum;

24 (3) The term of the charter, which shall be not less than five years, nor
25 greater than ten years and shall be renewable;

26 (4) A description of the charter school's pupil performance standards,
27 which must meet the requirements of subdivision (6) of subsection 5 of this
28 section. The charter school program must be designed to enable each pupil to
29 achieve such standards;

30 (5) A description of the governance and operation of the charter school,
31 including the nature and extent of parental, professional educator, and
32 community involvement in the governance and operation of the charter school;
33 and

34 (6) A description of the charter school's policies on student discipline and
35 student admission, which shall include a statement, where applicable, of the
36 validity of attendance of students who do not reside in the district but who may
37 be eligible to attend under the terms of judicial settlements.

38 2. Proposed charters shall be subject to the following requirements:

39 (1) A charter may be approved when the sponsor determines that the
40 requirements of this section are met and determines that the applicant is
41 sufficiently qualified to operate a charter school. The sponsor's decision of
42 approval or denial shall be made within ninety days of the filing of the proposed
43 charter;

44 (2) If the charter is denied, the proposed sponsor shall notify the applicant
45 in writing as to the reasons for its denial and forward a copy to the state board
46 of education within five business days following the denial;

47 (3) If a proposed charter is denied by a sponsor, the proposed charter may

48 be submitted to the state board of education, along with the sponsor's written
49 reasons for its denial. If the state board determines that the applicant meets the
50 requirements of this section, that the applicant is sufficiently qualified to operate
51 the charter school, and that granting a charter to the applicant would be likely
52 to provide educational benefit to the children of the district, the state board may
53 grant a charter and act as sponsor of the charter school. The state board shall
54 review the proposed charter and make a determination of whether to deny or
55 grant the proposed charter within sixty days of receipt of the proposed charter,
56 provided that any charter to be considered by the state board of education under
57 this subdivision shall be submitted no later than March first prior to the school
58 year in which the charter school intends to begin operations. The state board of
59 education shall notify the applicant in writing as the reasons for its denial, if
60 applicable; and

61 (4) The sponsor of a charter school shall give priority to charter school
62 applicants that propose a school oriented to high-risk students and to the reentry
63 of dropouts into the school system. If a sponsor grants three or more charters,
64 at least one-third of the charters granted by the sponsor shall be to schools that
65 actively recruit dropouts or high-risk students as their student body and address
66 the needs of dropouts or high-risk students through their proposed mission,
67 curriculum, teaching methods, and services. For purposes of this subsection, a
68 "high-risk" student is one who is at least one year behind in satisfactory
69 completion of course work or obtaining credits for graduation, pregnant or a
70 parent, homeless or has been homeless sometime within the preceding six
71 months, has limited English proficiency, has been suspended from school three
72 or more times, is eligible for free or reduced-price school lunch, or has been
73 referred by the school district for enrollment in an alternative
74 program. "Dropout" shall be defined through the guidelines of the school core
75 data report. The provisions of this subsection do not apply to charters sponsored
76 by the state board of education.

77 3. If a charter is approved by a sponsor, the charter application shall be
78 submitted to the state board of education, along with a statement of finding that
79 the application meets the requirements of sections 160.400 to 160.420 and section
80 167.439, RSMo, and a monitoring plan under which the charter sponsor will
81 evaluate the academic performance of students enrolled in the charter
82 school. The state board of education may, within sixty days, disapprove the
83 granting of the charter. The state board of education may disapprove a charter

84 on grounds that the application fails to meet the requirements of sections 160.400
85 to 160.420 and section 167.349, RSMo, or that a charter sponsor previously failed
86 to meet the statutory responsibilities of a charter sponsor.

87 4. Any disapproval of a charter pursuant to subsection 3 of this section
88 shall be subject to judicial review pursuant to chapter 536, RSMo.

89 5. A charter school shall, as provided in its charter:

90 (1) Be nonsectarian in its programs, admission policies, employment
91 practices, and all other operations;

92 (2) Comply with laws and regulations of the state, county, or city relating
93 to health, safety, and state minimum educational standards, as specified by the
94 state board of education, including the requirements relating to student discipline
95 under sections 160.261, 167.161, 167.164, and 167.171, RSMo, notification of
96 criminal conduct to law enforcement authorities under sections 167.115 to
97 167.117, RSMo, academic assessment under section 160.518, transmittal of school
98 records under section 167.020, RSMo, and the minimum number of school days
99 and hours required under section 160.041;

100 (3) Except as provided in sections 160.400 to 160.420, be exempt from all
101 laws and rules relating to schools, governing boards and school districts;

102 (4) Be financially accountable, use practices consistent with the Missouri
103 financial accounting manual, provide for an annual audit by a certified public
104 accountant, publish audit reports and annual financial reports as provided in
105 chapter 165, RSMo, provided that the annual financial report may be published
106 on the department of elementary and secondary education's Internet web site in
107 addition to other publishing requirements, and provide liability insurance to
108 indemnify the school, its board, staff and teachers against tort claims. A charter
109 school that receives local educational agency status under subsection 6 of this
110 section shall meet the requirements imposed by the Elementary and Secondary
111 Education Act for audits of such agencies. For purposes of an audit by petition
112 under section 29.230, RSMo, a charter school shall be treated as a political
113 subdivision on the same terms and conditions as the school district in which it is
114 located. For the purposes of securing such insurance, a charter school shall be
115 eligible for the Missouri public entity risk management fund pursuant to section
116 537.700, RSMo. A charter school that incurs debt must include a repayment plan
117 in its financial plan;

118 (5) Provide a comprehensive program of instruction for at least one grade
119 or age group from kindergarten through grade twelve, which may include early

120 childhood education if funding for such programs is established by statute, as
121 specified in its charter;

122 (6) (a) Design a method to measure pupil progress toward the pupil
123 academic standards adopted by the state board of education pursuant to section
124 160.514, collect baseline data during at least the first three years for determining
125 how the charter school is performing and to the extent applicable, participate in
126 the statewide system of assessments, comprised of the essential skills tests and
127 the nationally standardized norm-referenced achievement tests, as designated by
128 the state board pursuant to section 160.518, complete and distribute an annual
129 report card as prescribed in section 160.522, which shall also include a statement
130 that background checks have been completed on the charter school's board
131 members, report to its sponsor, the local school district, and the state board of
132 education as to its teaching methods and any educational innovations and the
133 results thereof, and provide data required for the study of charter schools
134 pursuant to subsection 4 of section 160.410. No charter school will be considered
135 in the Missouri school improvement program review of the district in which it is
136 located for the resource or process standards of the program.

137 (b) For proposed high risk or alternative charter schools, sponsors shall
138 approve performance measures based on mission, curriculum, teaching methods,
139 and services. Sponsors shall also approve comprehensive academic and
140 behavioral measures to determine whether students are meeting performance
141 standards on a different time frame as specified in that school's charter. Student
142 performance shall be assessed comprehensively to determine whether a high risk
143 or alternative charter school has documented adequate student progress. Student
144 performance shall be based on sponsor-approved comprehensive measures as well
145 as standardized public school measures. Annual presentation of charter school
146 report card data to the department of elementary and secondary education, the
147 state board, and the public shall include comprehensive measures of student
148 progress.

149 (c) Nothing in this [paragraph] **subdivision** shall be construed as
150 permitting a charter school to be held to lower performance standards than other
151 public schools within a district; however, the charter of a charter school may
152 permit students to meet performance standards on a different time frame as
153 specified in its charter;

154 (7) Assure that the needs of special education children are met in
155 compliance with all applicable federal and state laws and regulations;

156 (8) Provide along with any request for review by the state board of
157 education the following:

158 (a) Documentation that the applicant has provided a copy of the
159 application to the school board of the district in which the charter school is to be
160 located, except in those circumstances where the school district is the sponsor of
161 the charter school; and

162 (b) A statement outlining the reasons for approval or disapproval by the
163 sponsor, specifically addressing the requirements of sections 160.400 to 160.420
164 and 167.349, RSMo.

165 **6. (1) Proposed or existing high risk or alternative charter**
166 **schools may include alternative arrangements for students to obtain**
167 **credit for satisfying graduation requirements in the school's charter**
168 **application and charter. Alternative arrangements may include, but**
169 **not be limited to, credit for off-campus instruction, embedded credit,**
170 **work experience through a paid or unpaid internship arranged through**
171 **the school, and independent studies. When the state board of education**
172 **approves the charter, any such alternative arrangements shall be**
173 **approved at such time.**

174 **(2) The department of elementary and secondary education shall**
175 **conduct a study of any charter school granted alternative arrangements**
176 **for students to obtain credit under this subsection after three years of**
177 **operation to assess student performance, graduation rates, educational**
178 **outcomes, and entry into the workforce or higher education.**

179 **7.** The charter of a charter school may be amended at the request of the
180 governing body of the charter school and on the approval of the sponsor. The
181 sponsor and the governing board and staff of the charter school shall jointly
182 review the school's performance, management and operations at least once every
183 two years or at any point where the operation or management of the charter
184 school is changed or transferred to another entity, either public or private. The
185 governing board of a charter school may amend the charter, if the sponsor
186 approves such amendment, or the sponsor and the governing board may reach an
187 agreement in writing to reflect the charter school's decision to become a local
188 educational agency for the sole purpose of seeking direct access to federal grants.
189 In such case the sponsor shall give the department of elementary and secondary
190 education written notice no later than March first of any year, with the
191 agreement to become effective July first. The department may waive the March

192 first notice date in its discretion. The department shall identify and furnish a list
193 of its regulations that pertain to local educational agencies to such schools within
194 thirty days of receiving such notice.

195 [7.] 8. (1) A sponsor shall revoke a charter or take other appropriate
196 remedial action, which may include placing the charter school on probationary
197 status, at any time if the charter school commits a serious breach of one or more
198 provisions of its charter or on any of the following grounds: **failure to meet the**
199 **standards under the sponsor's annual Missouri school improvement**
200 **plan assessment**, failure to meet academic performance standards as set forth
201 in its charter, failure to meet generally accepted standards of fiscal management,
202 failure to provide information necessary to confirm compliance with all provisions
203 of the charter and sections 160.400 to 160.420 and 167.349, RSMo, within
204 forty-five days following receipt of written notice requesting such information, or
205 violation of law.

206 (2) The sponsor may place the charter school on probationary status to
207 allow the implementation of a remedial plan, which may require a change of
208 methodology, a change in leadership, or both, after which, if such plan is
209 unsuccessful, the charter may be revoked.

210 (3) At least sixty days before acting to revoke a charter, the sponsor shall
211 notify the governing board of the charter school of the proposed action in
212 writing. The notice shall state the grounds for the proposed action. The school's
213 governing board may request in writing a hearing before the sponsor within two
214 weeks of receiving the notice.

215 (4) The sponsor of a charter school shall establish procedures to conduct
216 administrative hearings upon determination by the sponsor that grounds exist to
217 revoke a charter. Final decisions of a sponsor from hearings conducted pursuant
218 to this subsection are subject to judicial review pursuant to chapter 536, RSMo.

219 (5) A termination shall be effective only at the conclusion of the school
220 year, unless the sponsor determines that continued operation of the school
221 presents a clear and immediate threat to the health and safety of the children.

222 (6) A charter sponsor shall make available the school accountability report
223 card information as provided under section 160.522 and the results of the
224 academic monitoring required under subsection 3 of this section.

225 (7) **The sponsor shall annually conduct a Missouri school**
226 **improvement plan assessment of the charter school, based upon**
227 **standards established by the state board under section 160.400.**

228 **[8.] 9.** A sponsor shall take all reasonable steps necessary to confirm that
229 each charter school sponsored by such sponsor is in material compliance and
230 remains in material compliance with all material provisions of the charter and
231 sections 160.400 to 160.420 and 167.349, RSMo. Every charter school shall
232 provide all information necessary to confirm ongoing compliance with all
233 provisions of its charter and sections 160.400 to 160.420 and 167.349, RSMo, in
234 a timely manner to its sponsor.

235 **[9.] 10.** A school district may enter into a lease with a charter school for
236 physical facilities.

237 **[10.] 11.** A governing board or a school district employee who has control
238 over personnel actions shall not take unlawful reprisal against another employee
239 at the school district because the employee is directly or indirectly involved in an
240 application to establish a charter school. A governing board or a school district
241 employee shall not take unlawful reprisal against an educational program of the
242 school or the school district because an application to establish a charter school
243 proposes the conversion of all or a portion of the educational program to a charter
244 school. As used in this subsection, "unlawful reprisal" means an action that is
245 taken by a governing board or a school district employee as a direct result of a
246 lawful application to establish a charter school and that is adverse to another
247 employee or an educational program.

248 **[11.] 12.** Charter school board members shall be subject to the same
249 liability for acts while in office as if they were regularly and duly elected
250 members of school boards in any other public school district in this state. The
251 governing board of a charter school may participate, to the same extent as a
252 school board, in the Missouri public entity risk management fund in the manner
253 provided under sections 537.700 to 537.756, RSMo.

254 **[12.] 13.** Any entity, either public or private, operating, administering,
255 or otherwise managing a charter school shall be considered a quasi-public
256 governmental body and subject to the provisions of sections 610.010 to 610.035,
257 RSMo.

258 **[13.] 14.** The chief financial officer of a charter school shall maintain:

259 (1) A surety bond in an amount determined by the sponsor to be adequate
260 based on the cash flow of the school; or

261 (2) An insurance policy issued by an insurance company licensed to do
262 business in Missouri on all employees in the amount of five hundred thousand
263 dollars or more that provides coverage in the event of employee theft.

264 160.410. 1. A charter school shall enroll:

265 (1) All pupils resident in the district in which it operates;

266 (2) Nonresident pupils eligible to attend a district's school under an urban
267 voluntary transfer program; [and]

268 (3) **In the case of a charter school whose mission includes student**
269 **drop-out prevention or recovery, any nonresident pupil who is**
270 **considered high risk or a dropout who resides in a residential care**
271 **facility, a transitional living group home, or an independent living**
272 **program and whose last school of enrollment is in the school district**
273 **where the charter school is established, who submits a timely**
274 **application; and**

275 (4) In the case of a workplace charter school, any student eligible to
276 attend under subdivision (1) or (2) of this subsection whose parent is employed
277 in the business district, who submits a timely application, unless the number of
278 applications exceeds the capacity of a program, class, grade level or building. The
279 configuration of a business district shall be set forth in the charter and shall not
280 be construed to create an undue advantage for a single employer or small number
281 of employers.

282 2. If capacity is insufficient to enroll all pupils who submit a timely
283 application, the charter school shall have an admissions process that assures all
284 applicants of an equal chance of gaining admission except that:

285 (1) A charter school may establish a geographical area around the school
286 whose residents will receive a preference for enrolling in the school, provided that
287 such preferences do not result in the establishment of racially or
288 socioeconomically isolated schools and provided such preferences conform to
289 policies and guidelines established by the state board of education; [and]

290 (2) A charter school may also give a preference for admission of children
291 whose siblings attend the school or whose parents are employed at the school or
292 in the case of a workplace charter school, a child whose parent is employed in the
293 business district or at the business site of such school; **and**

294 (3) **A charter school whose mission includes student drop-out**
295 **prevention or recovery as described in subdivision (3) of subsection 1**
296 **of this section shall give preference for admission to resident pupils**
297 **over nonresident pupils.**

298 3. A charter school shall not limit admission based on race, ethnicity,
299 national origin, disability, gender, income level, proficiency in the English

300 language or athletic ability, but may limit admission to pupils within a given age
301 group or grade level. **A charter school may give a preference for**
302 **admission to high-risk students and dropouts, as defined in subdivision**
303 **(4) of subsection 2 of section 160.405.**

304 4. The department of elementary and secondary education shall
305 commission a study of the performance of students at each charter school in
306 comparison with an equivalent group of district students representing an
307 equivalent demographic and geographic population and a study of the impact of
308 charter schools upon the constituents they serve in the districts in which they are
309 located, to be conducted by the joint committee on education. The charter school
310 study shall include analysis of the administrative and instructional practices of
311 each charter school and shall include findings on innovative programs that
312 illustrate best practices and lend themselves to replication or incorporation in
313 other schools. The joint committee on education shall coordinate with individuals
314 representing charter [public] schools and the districts in which charter schools
315 are located in conducting the study. The study of a charter school's student
316 performance in relation to a comparable group shall be designed to provide
317 information that would allow parents and educators to make valid comparisons
318 of academic performance between the charter school's students and an equivalent
319 group of district students representing an equivalent demographic and geographic
320 population. The student performance assessment and comparison shall include,
321 but may not be limited to:

322 (1) Missouri assessment program test performance and aggregate growth
323 over several years;

324 (2) Student reenrollment rates;

325 (3) Educator, parent, and student satisfaction data;

326 (4) Graduation rates in secondary programs; and

327 (5) Performance of students enrolled in the same public school for three
328 or more consecutive years. The impact study shall be undertaken every two years
329 to determine the impact of charter schools on the constituents they serve in the
330 districts where charter schools are operated. The impact study shall include, but
331 is not limited to, determining if changes have been made in district policy or
332 procedures attributable to the charter school and to perceived changes in
333 attitudes and expectations on the part of district personnel, school board
334 members, parents, students, the business community and other education
335 stakeholders. The department of elementary and secondary education shall make

336 the results of the studies public and shall deliver copies to the governing boards
337 of the charter schools, the sponsors of the charter schools, the school board and
338 superintendent of the districts in which the charter schools are operated.

339 5. A charter school shall make available for public inspection, and provide
340 upon request, to the parent, guardian, or other custodian of any school-age pupil
341 resident in the district in which the school is located the following information:

342 (1) The school's charter;

343 (2) The school's most recent annual report card published according to
344 section 160.522; and

345 (3) The results of background checks on the charter school's board
346 members. The charter school may charge reasonable fees, not to exceed the rate
347 specified in section 610.026, RSMo, for furnishing copies of documents under this
348 subsection.

**164.320. All qualified school construction bond issuance
2 authorizations for calendar year 2010 shall be allocated by the
3 department of elementary and secondary education on an average daily
4 attendance basis to school districts in which the constitutionally
5 required percentage of voters authorized the incurrence of debt on
6 either the general election day in November 2009, as provided in
7 subsection 6 of section 115.121, or on any applicable election date in
8 2010 in order to provide funds for such districts to acquire, construct,
9 equip, improve, restore, or furnish public school facilities in
10 accordance with the provisions of the American Recovery and
11 Reinvestment Act of 2009 and with Section 54F of the Internal Revenue
12 Code of 1986, as amended, which provides for qualified school
13 construction bonds. The department shall utilize the most current
14 available data in determining the per average daily attendance
15 allocation amounts and shall submit a report to the secretary of the
16 senate and the chief clerk of the house of representatives detailing the
17 2010 calendar year qualified school construction bond issuance
18 authorization allocations not less than thirty days subsequent to the
19 completion of the 2010 allocation schedule.**

168.106. The contract between a school district and a permanent teacher
2 shall be known as an indefinite contract and shall continue in effect for an
3 indefinite period, subject only to:

4 (1) Compulsory or optional retirement when the teacher reaches the age

5 of retirement provided by law, or regulation established by the local board of
6 education;

7 (2) Modification by a succeeding indefinite contract or contracts in the
8 manner hereinafter provided;

9 (3) The death of the teacher;

10 (4) Resignation of the teacher with the written consent of the school
11 board;

12 (5) Termination by the board of education after a hearing as hereinafter
13 provided; [and]

14 (6) The revocation of the teacher's certificate; **and**

15 **(7) A decision by the teacher to follow the teacher choice**
16 **compensation package under sections 168.745 to 168.750 in a district**
17 **and give up the right to an indefinite contract.**

168.745. 1. There is hereby created the "Teacher Choice Compensation
2 Package" to permit performance-based salary stipends upon the decision of the
3 teacher [in a metropolitan school district] as described in section 168.747 to
4 reward teachers for objectively demonstrated superior performance.

5 2. There is hereby created the "Teacher Choice Compensation Fund" in
6 the state treasury. The fund shall be administered by the department of
7 elementary and secondary education. The state treasurer shall be custodian of
8 the fund and may approve disbursements from the fund in accordance with
9 sections 30.170 and 30.180, RSMo.

10 3. The teacher choice compensation fund shall consist of all moneys
11 transferred to it under this section, and all moneys otherwise appropriated to or
12 donated to it. Notwithstanding the provisions of section 33.080, RSMo, to the
13 contrary, any moneys remaining in the fund at the end of the biennium shall not
14 revert to the credit of the general revenue fund. The state treasurer shall invest
15 moneys in the fund in the same manner as other funds are invested. Any interest
16 and moneys earned on such investments shall be credited to the fund.

17 4. The general assembly shall annually appropriate five million dollars
18 to the fund created in this section.

168.747. 1. To be eligible for the teacher choice compensation package **in**
2 **a metropolitan school district**, all classroom personnel [in a metropolitan
3 school district] reported as a code forty, fifty, or sixty through the core data
4 system of the department of elementary and secondary education shall opt out of
5 his or her indefinite contract under section 168.221 for the duration of

6 employment with the district. A teacher may decide to end his or her eligibility
7 for the teacher choice stipend but may not resume permanent teacher status with
8 that district. A probationary teacher may opt out of consideration for a
9 permanent contract in the second or subsequent years of employment by the
10 district to participate in the teacher choice compensation package but may not
11 return to permanent status in that district or resume the process for qualification
12 for an indefinite contract in that district. A teacher who has chosen the teacher
13 choice compensation package and changes employment to another district may
14 choose to resume the process for qualification for an indefinite contract in that
15 district[. The teacher choice compensation package shall only be available for
16 teachers in a metropolitan school district] **or may choose to remain in the**
17 **teacher choice compensation package of the district, provided the**
18 **district's board of education has resolved, by majority vote, to allow**
19 **classroom personnel to participate.**

20 2. **To be eligible for the teacher choice compensation package in**
21 **a seven director or urban school district, the adoption of a resolution**
22 **by the vote of a majority of the members of the board of education shall**
23 **be required. If such a vote occurs in a seven director or urban school**
24 **district, classroom personnel reported as a code forty, fifty, or sixty**
25 **through the core data system of the department of elementary and**
26 **secondary education shall opt out of his or her indefinite contract**
27 **under section 168.106 for the duration of employment with the district.**
28 **A teacher may decide to end his or her eligibility for the teacher choice**
29 **stipend but may not resume permanent teacher status with that**
30 **district. A probationary teacher may opt out of consideration for a**
31 **permanent contract in the second or subsequent years of employment**
32 **by the district to participate in the teacher choice compensation**
33 **package but may not return to permanent status in that district or**
34 **resume the process for qualification for an indefinite contract in that**
35 **district. A teacher who has chosen the teacher choice compensation**
36 **package and changes employment to another district may choose to**
37 **resume the process for qualification for an indefinite contract in that**
38 **district or:**

39 (1) **If the new district of employment is a metropolitan school**
40 **district, may choose to remain in the teacher choice compensation**
41 **package; or**

42 **(2) If the new district of employment is a seven director or urban**
43 **school district, may choose to remain in the teacher choice**
44 **compensation package, provided the district's board of education has**
45 **resolved by majority vote to allow classroom personnel to participate.**

46 **3.** Teachers shall qualify annually in October for the stipends described
47 in section 168.749. Stipends shall be offered in five thousand dollar increments,
48 up to fifteen thousand dollars, but shall not exceed fifty percent of a teacher's
49 base salary, before deductions for retirement but including designated pay for
50 additional duties such as coaching, sponsoring, or mentoring. Any stipend
51 received under section 168.749 shall be in addition to the base salary to which the
52 teacher would otherwise be entitled. Teachers receiving the stipend shall receive
53 any pay and benefits received by teachers of similar training, experience, and
54 duties. Such stipends shall not be considered compensation for retirement
55 purposes.

56 **[3.] 4.** Subject to appropriation, the department of elementary and
57 secondary education shall make a payment to the district in the amount of the
58 stipend, to be delivered as a lump sum in January following the October of
59 qualification. If the amount appropriated is not enough to fund the total of five
60 thousand dollar increment payments, the department may prorate the payments.

61 **[4.] 5.** Every person employed by the district in a teaching position,
62 regardless of the certification status of the person, who qualifies under any of the
63 indicators listed in section 168.749 is eligible for the teacher choice compensation
64 package. Teachers who are employed less than full-time are eligible for teacher
65 choice stipends on a prorated basis. Any teacher who is dismissed for cause who
66 has otherwise qualified for a teacher choice stipend shall forfeit the stipend for
67 that year.

171.015. 1. The board of education of any school district, upon
2 **adoption of a resolution by the vote of a majority of all its members to**
3 **authorize such action, may adopt a year-round educational program for**
4 **the public schools of the school district. The vote shall take place at a**
5 **public meeting of the board of education.**

6 **2.** The school calendar for a school district that has adopted a
7 year-round educational program shall include an opening date and
8 ending date for the school year.

9 **3.** Upon adoption of a year-round educational program, the board
10 of education shall notify the commissioner of education within seven

11 **business days.**

12 **4. Any school district that adopts a year-round educational**
13 **program shall meet all other educational requirements.**

14 **5. For purposes of this section, the term "year-round educational**
15 **program" shall mean an educational program in which all students**
16 **attend school no fewer than the number of days required for a school**
17 **term, as provided in subdivision (9) of section 160.011, between July 1**
18 **and June 30 of each school year and in which no vacation, including**
19 **summer, lasts more than four weeks.**

171.017. 1. The board of education of any school district, upon
2 **adoption of a resolution by the vote of a majority of all its members to**
3 **authorize such action, may offer two start dates for kindergarten for**
4 **children who have attained the statutorily required age of eligibility**
5 **for kindergarten. The school district may group children according to**
6 **their date of birth to begin kindergarten on one of the start dates.**

7 **2. Any school district that adopts such a resolution shall offer:**

8 **(1) One start date for kindergarten that occurs on the opening**
9 **date of the school year; and**

10 **(2) One start date for kindergarten that occurs approximately**
11 **halfway through the school year.**

12 **3. Any school district that adopts such a resolution shall allow**
13 **parents to have their child or children start kindergarten on the start**
14 **date of choice.**

178.693. 1. School districts that offer an approved program of parent
2 **education shall be eligible for state reimbursement, pursuant to section 163.031,**
3 **RSMo, subject to appropriations therefor for each participating family. If a school**
4 **district fails or is unable to offer an approved program of parent education, the**
5 **district shall enter into a contract which meets the requirements under section**
6 **178.697, with another district, public agency or state approved not-for-profit**
7 **agency offering an approved program for such services. If the district finds that**
8 **no approved program is available in another district, public agency, or through**
9 **a state approved not-for-profit agency, it shall request the state department of**
10 **elementary and secondary education to assist it in obtaining from an approved**
11 **program, services at the reimbursable rate. If no developmental delay is**
12 **detected by a parent educator after the sixth family visit specific to one**
13 **child, the department of elementary and secondary education shall**
14 **require that the parent or family share in the cost of the services**

15 **provided. The department shall promulgate rules and regulations for**
16 **payment by the parent.**

17 2. School districts that offer an approved program of developmental
18 screening for all children under the age of five years shall be eligible for state
19 reimbursement, pursuant to section 163.031, RSMo, subject to appropriations
20 therefor for each participating child. If a school district fails or is unable to offer
21 an approved program of developmental screening, the district shall enter into a
22 contract which meets the requirements under section 178.697, with another
23 district, public agency or state approved not-for-profit agency offering an
24 approved program for such services. If the district finds that no approved
25 program is available in another district, public agency or state approved
26 not-for-profit agency, it shall request the state department of elementary and
27 secondary education to assist it in obtaining from an approved program, services
28 at the reimbursable rate.

29 3. School districts that offer approved programs for developmentally
30 delayed children ages three and four who may also be eligible for programs under
31 the provisions of sections 162.670 to 162.995, RSMo, shall be eligible for state
32 reimbursement, pursuant to section 163.031, RSMo, subject to appropriations,
33 provided the children are not receiving the same or similar services for
34 handicapped or severely handicapped children under another program for which
35 reimbursements from the department of elementary and secondary education are
36 available to the district. If a school district fails or is unable to offer an approved
37 program for developmentally delayed children ages three and four, the district
38 shall enter into a contract which meets the requirements under section 178.697,
39 with another district, public agency or state approved not-for-profit agency
40 offering an approved program for such services. If the district finds that no
41 approved program is available in another district, public agency or state approved
42 not-for-profit agency, it shall request the state department of elementary and
43 secondary education to assist it in obtaining from an approved program, services
44 at the reimbursable rate.

45 4. **Any rule or portion of a rule, as that term is defined in section**
46 **536.010 that is created under the authority delegated in this section**
47 **shall become effective only if it complies with and is subject to all of**
48 **the provisions of chapter 536, and, if applicable, section 536.028. This**
49 **section and chapter 536 are nonseverable and if any of the powers**
50 **vested with the general assembly pursuant to chapter 536, to review, to**

51 **delay the effective date, or to disapprove and annul a rule are**
52 **subsequently held unconstitutional, then the grant of rulemaking**
53 **authority and any rule proposed or adopted after August 28, 2010, shall**
54 **be invalid and void.**

Section B. Because of the importance of making qualified school
2 construction bond issuance authorizations available to school districts, the
3 enactment of section 164.320 of this act is deemed necessary for the immediate
4 preservation of the public health, welfare, peace and safety, and is hereby
5 declared to be an emergency act within the meaning of the constitution, and the
6 enactment of section 164.320 of this act shall be in full force and effect upon its
7 passage and approval.

✓

Bill

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